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July 13, 2023

**BY ECF**

Chief Magistrate Judge Cheryl L. Pollak  
Chambers Room 1230  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Ahamed v. 563 Manhattan Inc., et al. 1:19-cv-  
06388-EK-CLP Opposition to Plaintiff's  
Supplemental Letter-Brief on His Motion for  
Spoliation Sanctions (ECF 133)

Dear Chief Magistrate Judge Pollak:

I represent all Defendants in this matter. This letter is in response to Plaintiff's belated July 10, 2023 attempt to "supplement" his letter-motion for spoliation sanctions against Defendants, which was originally filed nearly 3-1/2 months ago.

Apparently, Plaintiff "forgot" to include these additional bases that underscore a jury must decide the credibility of purported "contradictions" and "false representations" by Defendant Brian Burnam. Plaintiff continues to believe he is the ultimate decision-maker regarding credibility.

Per Court Order, discovery was closed 11 months ago -- in August 2022. The bases for Plaintiff's belated "supplement" are based on documents that Defendants produced over 1.5 years ago, as well as deposition testimony from Brian Burnam in June 2022. There is nothing new here except Plaintiff again "making work" for Defendants and continuing to attempt to besmirch the undersigned before Your Honor.

Last, the Exhibit's attached to Plaintiff's "supplement" provide no support whatsoever. To wit, a simple review of Plaintiff's citations to 3.5-year-old text messages, Burnam's November 2021 declaration, his 1-year-old deposition testimony, and Defendants' 2.5-year-old Responses to Interrogatories flatly contradict the propositions of Plaintiff.

Accordingly, Plaintiff's belated "supplement" should be rejected, and his entire letter-motion for a spoliation instruction be denied in its entirety.

Thank you in advance for Your Honor's time and attention to this matter.

Respectfully Submitted,

*Michael L. Ferch*

Michael L. Ferch, Esq.

cc: Zachary J. Liszka, Esq. (via ECF)